

merits, but rather to respond to a particularly pernicious and deeply misguided criticism of his life and his jurisprudence. Nor should my reflections be interpreted as evidence that he is, as some have claimed, a results-oriented jurist. That Justice Thomas's expressed constitutional commitments are both genuine and self-binding is, in my view, established in an undeniable record of reaching conclusions that run counter to his personal preferences. And, I think it important to note, Justice Thomas himself has spoken on the subject of how a judge best serves the "little guy" and that is to maintain fidelity to the law. As Thomas once explained, "A judge must get the decision right because, when all is said and done, the little guy, the average person, the people of Pinpoint, the real people of America will be affected not only by what we as judges do, but by the way we do our jobs." And, in living out that aspiration, every day, Justice Thomas has become a model jurist, worthy of our commendations on this day.

Sincerely,

NICOLE GARNETT,  
*Professor of Law.*

#### US-RUSSIA NUCLEAR COOPERATION

Ms. MURKOWSKI. Mr. President, today I wish to note the importance of growing Russian-American cooperation in the field of civil nuclear energy. Our common interests in this area are a significant opportunity to enhance energy security and economic growth for both nations. Just as importantly, building on a good record of cooperation on nuclear energy can form a basis for improving our relationship with the Russian Federation more broadly.

As the two largest nuclear complexes, the United States and Russia play an essential role in setting global standards. We have worked effectively together on non-proliferation initiatives through the Nunn-Lugar program for nearly a generation. But our cooperation in nuclear energy is not as well known.

Russia has long been America's largest foreign partner in nuclear power through the HEU-LEU Agreement of 1993. Better known as the "Megatons-for-Megawatts" agreement, Russia's nuclear corporation Rosatom has converted fissile material from thousands of weapons into energy for American homes and businesses. Nearly half of the fuel used in U.S. reactors is of Russian origin, which accounts for 10 percent of the electricity produced in this country.

In terms of nuclear technology, we have a lot to learn from one another. If the event at the Fukushima reactors in Japan has taught us anything, it's that nuclear safety is an issue that crosses borders. The recent signing of the "Joint Statement on the Strategic Direction of U.S.-Russian Nuclear Cooperation" between Rosatom and the Department of Energy is a good example and will take advantage of Russian technological leadership on advanced reactors with passive safety systems. It recognizes that the long-term answers on nuclear safety will be a new generation of inherently safe reactors.

I applaud the work of the Nuclear Energy and Nuclear Security Working Group led by Deputy Energy Secretary Dan Poneman and Rosatom Director General Sergey Kirienko. By expanding their joint efforts to include nuclear safety and development of a global framework for nuclear energy, they are bringing the world's best technical expertise to bear on critical issues that must be addressed to sustain public confidence in nuclear energy.

Mr. President, cooperative efforts between the United States and Russia in civil nuclear energy are a success story in an often complex relationship. Building on this relationship should be a priority for both countries.

#### ELECTRONIC COMMUNICATIONS PRIVACY ACT

Mr. LEAHY. On October 21 we will celebrate the 25th anniversary of the enactment of the Electronic Communications Privacy Act, ECPA, one of the Nation's premiere privacy laws for the digital age. Since the ECPA was first enacted in 1986, this law has provided privacy protections for e-mail and other electronic communications for millions of Americans who communicate and transact business in cyberspace.

Today, the many rapid advances in technology that we have witnessed make this key privacy law more important than ever if we are to ensure the right to privacy. Just in the past few months, we have witnessed significant data breaches involving Sony and Epsilon that impact the privacy of millions of American consumers. We are also learning that smartphones and other new mobile technologies may be using and storing our location and other sensitive information, posing new risks to privacy.

When I led the effort to write the ECPA 25 years ago, no one could have contemplated these and other emerging threats to our digital privacy. But today, this law is significantly outdated and outpaced by rapid changes in technology and the changing mission of our law enforcement agencies after September 11. At a time in our history when American consumers and businesses face threats to privacy like no time before, we must renew the commitment to the privacy principles that gave birth to the ECPA a quarter century ago. That is why I am working to update this law to reflect the realities of our time.

Before the end of the calendar year, the Judiciary Committee will consider legislation that I have drafted to update the ECPA and to bring this law fully into the digital age. My bill makes several commonsense changes to the law regarding the privacy protections afforded to consumers' electronic communications. Among other things, my bill gets rid of the so-called "180-day rule" and replaces this confusing mosaic with one clear legal standard for protection of the content

of e-mails and other electronic communications. This bill also provides enhanced privacy protections for American consumers by expressly prohibiting service providers from disclosing customer content and requiring that the Government obtain a search warrant based on probable cause to compel the disclosure of the content of an individual's electronic communications.

The ECPA Amendments Act also gives important new privacy protections for location information that is collected, used, or stored by service providers, smartphones, or other mobile technologies. To address the role of new technologies in the changing mission of law enforcement, my bill also provides important new tools to law enforcement to fight crime and protect cybersecurity including—clarifying the authority for the government to temporarily delay notice to protect the integrity of a law enforcement investigation and allowing a service provider to disclose content that is pertinent to addressing a cyberattack to the government to enhance cybersecurity.

I drafted this bill with one key principle in mind—updates to the Electronic Communication Privacy Act must carefully balance the interests and needs of consumers, law enforcement, and our Nation's thriving technology sector. I also drafted this bill after careful consultation with many government and private sector stakeholders, including the Departments of Justice, Commerce and State, local law enforcement, and members of the technology and privacy communities.

As the ECPA approaches its silver anniversary, I join the many privacy advocates, technology leaders, legal scholars, and other stakeholders who support reform of the ECPA in celebrating all that this law has come to symbolize about the importance of protecting Americans' privacy rights in cyberspace. I hope that all Members will join me in commemorating this important milestone anniversary and in supporting the effort in Congress to update this law to reflect the realities of the digital age.

#### TRIBUTE TO BARRIE DUNSMORE

Mr. LEAHY. Mr. President, Vermont benefits both by the people who were born there and those who come to Vermont and make us even better.

One of those people who has chosen Vermont is Barrie Dunsmore, who before his change in careers had been one of the foremost reporters and commentators on the national news scene. When he and his wife, Whitney Taylor, and his daughter, Campbell, came to Vermont, we Vermonters have benefitted by his columns in *The Rutland Herald* and his commentary on Vermont Public Radio. Recently Barrie took a number of his columns and collected them in a book, "There and Back." I could not begin to do his writings justice, but my wife Marcelle

and I were privileged to be at a reception for Barrie and Whitney in Burlington and we heard him speak. I asked him if I could have a copy of his notes from that evening, and he shared them with me. The notes offer only a hint of what awaits in the book, which I read with pleasure at our home in Vermont.

I ask unanimous consent that Mr. Barrie Dunsmore's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THERE AND BACK

(By Barrie Dunsmore)

Thank you Senator Leahy for being here tonight with your wife Marcelle, and for your kind words. I also thank you for your constant support for my columns and comments over many years. Having you in my camp has been an inspiration.

Thank you to Holly Johnson, the proprietor of Wind Ridge Publishing. If you had not had faith that my writing deserved a wider audience outside Vermont, there would be no book and we would not be here this evening.

Last, but certainly not least, I wish to thank my wife, Whitney Taylor. She is tireless in encouraging me and steadfast in supporting me. She is an excellent editor and my most important audience. She always reads my material before I send it out. And if she doesn't get something I know nobody will—so I make changes accordingly.

There are others who are deserving of my thanks but I promise I won't bore you kind folks who probably aren't interested in my high school Latin teacher who made me such a great writer.

Seriously I make no such claim, but I am a writer. In fact over the last decade—including my columns, radio and television commentaries, book reviews and speeches—I have written about a half a million words. To put that into perspective, Tolstoy's *War and Peace* in Russian runs 460,000 words.

I'm not talking about quality here, but in quantity, my body of work is greater than *War and Peace*. But you'll be happy to know the book contains only a fraction of that.

Let me explain the title of the book, "There and Back."

The first section, called *THERE*, contains columns and commentaries that deal largely with events taking place in foreign lands over *THERE* in this century—but seen through the prism of events I covered in the last century. For example, I wrote about the Arab Spring in Egypt last February, in the context of my long experience in Egypt and particularly my contacts with the late president Anwar Sadat.

The section called *BACK* contains articles addressing the politics, culture and media of America—since I've been in retirement, *BACK* here in the United States.

The items in this section reflect a somewhat detached view of America as a former foreign and diplomatic correspondent might see it. The title of the book, and the concept, were suggested by my principal editor Emily Copeland to whom I am most grateful.

I promise you, this is not going to be a long speech, but I've been asked to reflect a bit on my impressions of how the mainstream media have fared since I retired in the mid-1990s.

When I took early retirement, I vowed I would not fall victim to the affliction that hits many old men and induces them to claim that everything that has happened in their field since they retired is a disaster. I confess in recent years being true to that vow has been a real challenge. Actually, when I did a series of lectures to the journalism classes at Vermont's Saint Michael's College last year, I suggested the students look at me as an archeologist might view a relic from the past that is more or less intact, and might provide some useful information.

During my four decades as an active reporter, there were major technological changes in network television news—going from black and white film to color; shifting from film to videotape; the advent of high-quality hand held cameras. And, finally of course, the coming of the communications satellite. That significantly changed everything. It meant there would be no more waiting for three days for the film from Vietnam or the Middle East to arrive in New York. But much more important, it became possible to have live coverage of news events virtually anywhere in the world.

Yet as great as those changes were, they pale in comparison to how the new information technologies have totally revolutionized the media. The Internet and the almost universal use of the personal computer and the cell phone have had an extraordinarily profound impact on the reporting of news, not to mention redefining what constitutes news—and who or what is a reporter. Many consider this a good thing—a notion I do not entirely share.

I will say this about the new technologies—they are not inherently good or bad. Like all of their revolutionary predecessors, such as the telegraph or moveable type, they are neutral instruments. Whether they serve society—or subvert it—depends on how these new tools are being used, by whom and to what ends.

For me, one of the more troubling consequences of this latest revolution is that by siphoning off huge portions of ad revenues, the Internet and its social networks have threatened the financial viability of the mainstream media—and as a consequence, have undermined the credibility of the news media as one of the key institutions that make democracy work.

Thomas Jefferson repeatedly said it. And the philosophers of ancient Greece apparently believed it: In order to survive, democracy needs to have a relatively well-informed electorate. The people cannot wisely choose their leaders if they don't have at least a basic understanding of the issues and of the consequences of the choices they are making.

What worries me most about the declining role of the mainstream media in today's world, is that in spite of all the various new platforms to provide and dispense information—ironically, maybe because of all these choices—there is evidence that the elec-

torate is less well informed than it was in other times in history. As I see it, these days more people than ever hold passionate, partisan opinions—that are largely free of facts. At another time, those necessary facts would have been available in the major news media, and most people would have accepted them as such. Sad to say, that is something which large and growing numbers of people no longer do.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2011

Mrs. MURRAY. Mr. President, today, as chairman of the Senate Committee on Veterans' Affairs, I would like to show my strong support for Senate passage of S. 894, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011.

Effective December 1, 2011, this measure directs the Secretary of Veterans Affairs to increase the rates of veterans' compensation to keep pace with a rise in the cost-of-living, should an adjustment be prompted by an increase in the Consumer Price Index, commonly known as the CPI. Referred to as the COLA, this important legislation would make an increase available to veterans at the same level as an increase provided to recipients of Social Security benefits.

All of my colleagues on the Committee on Veterans' Affairs, including Ranking Member BURR and Senators ROCKEFELLER, AKAKA, SANDERS, BROWN of Ohio, WEBB, TESTER, BEGICH, ISAKSON, WICKER, JOHANNES, BROWN of Massachusetts, MORAN, and BOOZMAN join me in supporting this important legislation. I look forward to our continued work together to improve the lives of our Nation's veterans.

Last year, Congress passed, and the President signed into law, Public Law 111-247, which would have increased veterans' compensation rates had there been an increase in the CPI. While there was no cost-of-living increase in 2011; the 2012 adjustment will be 3.6 percent.

The COLA affects so many important benefits, including veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. It is projected that over 3.9 million veterans and survivors will receive these benefits in fiscal year 2012.

Mr. President, our Nation's veterans are hurting. The cost of food and fuel continue to rise. Failing to pass a cost-of-living adjustment will have serious effects on the quality of life veterans deserve. We have an obligation to care